

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADADAMON JOHNSON,
Plaintiff,

v.

MCTEE, et al.,
Defendants.

Case No.: 3:23-cv-00055-ART-CSD

ORDER

On February 7, 2023, pro se plaintiff Damon Johnson, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). Plaintiff's application to proceed *in forma pauperis* is incomplete because he did not use the Court's approved application and financial certificate forms, and Plaintiff failed to include an inmate trust fund account statement for the previous six-month period with his application.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Local Rule LSR 1-1. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b). To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Local Rule LSR 1-2.

1 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
2 is **DENIED** without prejudice.

3 It is further ordered that on or before **April 18, 2023**, Plaintiff must either pay the
4 full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis*
5 with all three required documents: a completed application with the inmate's two
6 signatures on page 3; a completed financial certificate that is signed both by the inmate
7 and the prison or jail official; and a copy of the inmate's trust fund account statement for
8 the previous six-month period.

9 It is further ordered that if Plaintiff fails to timely comply with this order, this action
10 will be subject to dismissal without prejudice. A dismissal without prejudice allows Plaintiff
11 to refile the case with the Court, under a new case number, when Plaintiff can file a
12 complete application to proceed *in forma pauperis* or pay the required filing fee.

13 The Clerk of the Court is directed to send Plaintiff Damon Johnson the approved
14 form application to proceed *in forma pauperis* for an inmate and instructions for the same
15 and retain the complaint (ECF No. 1-1) but not file it at this time.

16 IT IS SO ORDERED.

17 DATED this 17th day of February 2023.

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UNITED STATES MAGISTRATE JUDGE